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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 09/277,213                 | 03/26/1999  | YASUSI KOBAYASHI     | FUJO-12.880A        | 3219             |
| 26304                      | 7590        | 06/01/2006           | EXAMINER            |                  |
| KATTEN MUCHIN ROSENMAN LLP |             |                      | HOM, SHICK C        |                  |
| 575 MADISON AVENUE         |             |                      | ART UNIT            |                  |
| NEW YORK, NY 10022-2585    |             |                      | PAPER NUMBER        |                  |
|                            |             |                      | 2616                |                  |

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                  |  |
|------------------------------|-------------------------------|----------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/277,213 | Applicant(s)<br>KOBAYASHI ET AL. |  |
|                              | Examiner<br>Shick C. Hom      | Art Unit<br>2616                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 43-44 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by shobatake (5,506,847).

Regarding claim 43:

Shobatake discloses a switch station which exchanges a fixed-length packet with a predetermined format, comprising a switch (see background of the invention, col. 1 lines 16-25

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which recite exchanging fixed-length packets in ATM communication clearly reads on an ATM switch for fixed-length packet), a control processor generating control information in a data format of which can not be exchanged by said switch, to control operations of this switch station; an intra-station device performing a communication operation according to the control information; and an interface unit converting the data format of the generated control information into a data format of the fixed-length packet; wherein the converted control information is communicated, according to link access protocol, through said switch; and said interface unit converts the data format of the control information into the data format processed by the switch station, adds to the control information routing information identified by the switch station and routed by said interface unit at a receiving equipment and transmits the information to the switch station (see col. 58 lines 8-44 which recite the routing-tag adding circuit converting the VPI/VCI values and adding a routing tag representing a port from which the cell is transferred to the cell and col. 64 lines 63-67 recite converting the cell into an internal cell having a cell format for switching by the ATM switch clearly anticipate the interface unit for converting the data format which can not be exchanged by the switch and adding routing information; and

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further col. 54 lines 11-25 which recite the routing-tag adding circuit referring to the header portion of the received cell to add a routing-tag clearly reads on adding to the control information routing information identified by the switch station and routed by said interface unit at a receiving equipment).

Regarding claim 44:

Shobatake discloses wherein said intra-station device comprises identifying means for identifying whether received data is subscriber data or the control information; and said intra-station device transmits the data after adding routing information, when said identifying means has received the subscriber data, to received subscriber data to be routed to a destination, and after adding the routing information when said identifying means has received the control information, to received control information to be routed to said interface unit at said receiving equipment (see col. 66 line 46 to col. 67 line 10 which recite means for determining whether the input cell is a user cell; adds port number to the cell as the routing tag; converts and transfers the cell to the ATM switch).

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Yamashita discloses an ATM cell format conversion system.

Ueda et al. disclose a high throughput supervisory system for ATM switching systems transporting STM-N signals.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C.

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Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH

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*Seema S. Rao*  
SEEMA S. RAO 5/29/06  
SUPERVISORY PATENT EXAMINER  
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